

AN ACT

relating to adjudication of certain workers' compensation disputes, including judicial review in district court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (d), Section 410.252, Labor Code, is amended to read as follows:

(d) If a suit is initially filed within the 45-day ~~[40-day]~~ period in Subsection (a), and is transferred under Subsection (c), the suit is considered to be timely filed in the court to which it is transferred.

SECTION 2. Subsection (k-1), Section 413.031, Labor Code, is amended to read as follows:

(k-1) A party who has exhausted all administrative remedies described by ~~[under]~~ Subsection (k) and who is aggrieved by a final decision of the division or the State Office of Administrative Hearings may seek judicial review of the decision. Judicial review under this subsection shall be conducted in the manner provided for judicial review of a contested case under Subchapter G, Chapter '2001, Government Code, except that in the case of a medical fee dispute the party seeking judicial review under this section must file suit not later than the 45th day after the date on which the State Office of Administrative Hearings mailed the party the notification of the decision. For purposes of this subsection, the mailing date is considered to be the fifth day after the date the

1 decision was issued by the State Office of Administrative Hearings.

2 SECTION 3. Subsection (d), Section 413.0311, Labor Code, is  
3 amended to read as follows:

4 (d) A party who has exhausted all administrative remedies  
5 under Section 413.031 and this section and who is aggrieved by a  
6 final decision of the hearings officer under Subsection (c) may  
7 seek judicial review of the decision. Judicial review under this  
8 subsection shall be conducted in the manner provided for judicial  
9 review of a contested case under Subchapter G, Chapter 2001,  
10 Government Code, except that the party seeking judicial review  
11 under this section must file suit not later than the 45th day after  
12 the date on which the division mailed the party the decision of the  
13 hearings officer. For purposes of this subsection, the mailing  
14 date is considered to be the fifth day after the date the decision  
15 of the hearings officer was filed with the division.

16 SECTION 4. Subsection (c), Section 1305.103, Insurance  
17 Code, is amended to read as follows:

18 (c) An employee who lives within the service area of a  
19 network and who is being treated by a non-network provider for an  
20 injury that occurred before the employer's insurance carrier  
21 established or contracted with the network, shall select a network  
22 treating doctor on notification by the carrier that health care  
23 services are being provided through the network. The carrier shall  
24 provide to the employee all information required by Section  
25 1305.451. If the employee fails to select a treating doctor on or  
26 before the 14th day after the date of receipt of the information  
27 required by Section 1305.451, the network may assign the employee a

1 network treating doctor. An issue regarding whether a carrier  
2 properly provided an employee the information required by this  
3 subsection may be resolved using the process for adjudication of  
4 disputes under Chapter 410, Labor Code, as used by the department's  
5 division of workers' compensation.

6 SECTION 5. Section 1305.451, Insurance Code, is amended by  
7 adding Subsection (e) to read as follows:

8 (e) An issue regarding whether an employer properly  
9 provided an employee with the information required by this section  
10 may be resolved using the process for adjudication of disputes  
11 under Chapter 410, Labor Code, as used by the department's division  
12 of workers' compensation.

13 SECTION 6. The change in law made by this Act applies only  
14 to a suit for judicial review filed on or after the effective date  
15 of this Act. A suit for judicial review filed before the effective  
16 date of this Act is covered by the law as it existed on the date the  
17 suit was filed, and the former law is continued in effect for that  
18 purpose.

19 SECTION 7. This Act takes effect September 1, 2011.

S.B. No. 809

David Newkum  
President of the Senate

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 809 passed the Senate on March 21, 2011, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 27, 2011, by the following vote: Yeas 31, Nays 0.

Daisy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 809 passed the House, with amendment, on May 25, 2011, by the following vote: Yeas 148, Nays 0, one present not voting.

Robert Haney  
Chief Clerk of the House

Approved: .

17 JUN '11

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
O'CLOCK

JUN 17 2011

John Mark  
Secretary of State